

TOWNSHIP OF CECIL

WASHINGTON COUNTY, PENNSYLVANIA

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF CECIL, WASHINGTON COUNTY, PENNSYLVANIA, PROVIDING FOR THE ZONING OF NATURAL GAS COMPRESSOR STATIONS.

WHEREAS, the Cecil Township Supervisors have the power to protect the health, safety, and welfare of people and property in the Township; and

WHEREAS, the Cecil Township Supervisors believe that it is in the best interest of the Township to provide for various activities within defined Zoning Classifications; and

WHEREAS, the Cecil Township Board of Supervisors wish to amend their Zoning Ordinance to provide for the placement of Natural Gas Compressor Stations as a Conditional Use in all parts of the Township as part of the Oil and Gas Overlay District as set forth herein;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED and it is hereby ordained and enacted by the Board of Supervisors of the Township of Cecil, Washington County, Pennsylvania as follows:

SECTION 1. Purpose.

It is hereby declared to be the purpose of this chapter to declare that Natural Gas Compressor Stations be considered a “Conditional Use” in all Zoning Districts and in all parts of the Township as part of the Oil and Gas Overlay District within the Township. Cecil Township recognizes that the regulation of oil and gas operations is the primary responsibility of the regulatory agencies of the Commonwealth of Pennsylvania, but that the Township maintains its Zoning powers as set forth in Pennsylvania Statute Title 53, Municipality Planning Code (“MPC”) and through the Township of Cecil Unified Development Ordinance. It is in the Township's best interest to address the Zoning districts where such activities are sought to be undertaken and to have information concerning oil and gas exploration, development and production taking place within the Township and to ensure certain security and safety measures related to oil and gas development are in place in certain areas, if approved.

SECTION 2. Definitions.

As used in this ordinance, the following terms shall be interpreted or defined as follows:

Approved: Accepted, sanctioned or endorsed by appropriate Township, County, Commonwealth of Pennsylvania, or Federal Government bodies.

Ambient Noise Level: The all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location constituting the normal or existing level of environmental noise at a given location without extreme atmospheric conditions—such as wind greater than three meters per second or precipitation—and then adjusting the noise level to eliminate any noise associated with then existing Developments or Facilities.

The noise level shall be established based on a test performed during a continuous seventy-two (72) hour time span which shall include at least one twenty-four (24) hour reading during either a Saturday or Sunday. The testing shall be done by a qualified Noise Control Engineer or other qualified person approved by the Township and shall be in accordance with specifications ANSI S12.18-1994 Method II and ANSI S1.4-1971. The Township reserves the right to hire a third party consultant to witness testing and review the results. The third party costs will be deducted from the facility operator's escrow deposit. The sound level meters used shall meet the American National Standard Institute's standard for a Type I sound level meter.

Decibel (db): A unit for measuring the intensity of a sound/noise; equal to ten (10) times the logarithm to the base 10 of the ratio of the measured sound pressure, squared to a reference pressure of twenty (20) micropascals.

Natural Gas Compressor Station: A facility designed and constructed to compress natural gas that originates from an Oil and Gas well or collection of such wells operating as a midstream facility for delivery of Oil and Gas to a transmission pipeline, distribution pipeline, Natural Gas Processing Plant, or underground storage field, including one or more natural gas compressors, associated buildings, pipes, valves, tanks and other equipment.

Natural Gas Processing Plant: A facility that is not a natural gas compressor station that is designed and constructed to remove materials such as ethane, propane, butane, and other constituents or similar substances from natural gas to allow such natural gas to be of such quality as is required or appropriate for transmission or distribution to commercial markets including, but not limited to, "Dew Point Control facilities".

Oil and Gas Development or Development: The well site preparation, well site construction, drilling, hydraulic fracturing, and/or site restoration associated with an Oil and Gas well of any depth; water and other fluid storage, impoundment and transportation used for such activities; the installation and use of all associated equipment, including tanks, meters, and other equipment and structures whether permanent or temporary; and the site preparation, construction, installation, maintenance and repair of Oil and Gas pipelines and associated equipment and other equipment and activities associated with the exploration for, production, and transportation of Oil and Gas other than Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent functions that operate as midstream facilities. Natural Gas Compressor Stations and Natural Gas Processing Plants or facilities performing the equivalent

functions that operate as midstream facilities are only authorized consistent with Township of Cecil Unified Development Ordinance.

Operator: Any person, partnership, company, corporation and its subcontractors, and agents who operate or seek to operate a Natural Gas Compressor Station.

Protected Structure: Any occupied residence, commercial business, school, religious institution or other public building located within 1,500 feet of a Natural Gas Compressor Station that may be impacted by noise, emissions, light or other negative attributes not limited to Natural Gas Compressor Stations and associated activities as defined herein.

Setbacks: As defined in the Unified Development Ordinance No. 05-00 as amended.

Site: With the exception of the definition for “Oil and Gas Development or development” as set forth above, as used in this Ordinance the term “site” is defined as a Natural Gas Compressor Station, as defined above, and the property surrounding a Natural Gas Compressor Station upon which any equipment, fixtures, storage, access roads, driveways, maintenance, and activities associated with the Natural Gas Compressor Station are located.

Township: Cecil Township, Washington County, Pennsylvania

SECTION 3. Zoning and Compliance

- 1) Cecil Township hereby declares that Natural Gas Compressors Stations are defined as a Conditional Use in the Oil and Gas Recovery Overlay District as identified on the Official Zoning Map of the Township. The use shall be subject to the following standards: If the proposed use is granted, consistent with Section 403(F) of the Cecil Township Unified Development ordinance No. 5-00 as amended, in addition to the conditions listed below, Cecil Township shall impose any and all reasonable safeguards or conditions necessary to implement the intent of that Chapter and shall review the particular facts and circumstances of each proposed conditional use application in terms of the following standards listed in Section 403(F) of its ordinance (repeated in Section 1 herein) as well as more specific criteria as set forth in the remaining paragraphs herein. Applicant shall have the duty and the burden to prove compliance with the specific conditions set forth herein and by way of this Ordinance. Applicant shall bear the burden of persuasion to demonstrate that the proposed conditional use will not have detrimental effects on the health, safety and welfare of Township residents relative to any additional conditions.

The proposed Conditional Use will be harmonious with and in accordance with the general objectives or with any specific objective of the Township’s Comprehensive Plan; will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area; will not be hazardous or disturbing to existing neighboring uses; will be served adequately by essential facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or the persons or agencies responsible for the establishment

of the proposed use shall be able to adequately provide any such services; will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community; will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors; will have vehicular approaches to the property which shall be designed so as not to create interference with traffic on surrounding public thoroughfares; will not result in the destruction, loss or damage of a natural, scenic, or historic feature of significant importance.

- 2) Conditional use approval for a Natural Gas Compressor Station shall be valid for a period of one (1) year from the date of the approval. If development has not been initiated within one (1) year after the conditional use approval, the conditional use approval shall expire. An extension may be granted by the Cecil Township Board of Supervisors for an additional period of time, not to exceed a maximum of one (1) year upon written request by the applicant filed prior to the expiration of the original one (1) year period, subject to the finding that the plan is in compliance with all current applicable provisions and requirements.
- 3) All aspects of the proposed Natural Gas Compressor Station including, but not limited to, design, development, and placement, shall comply with the Cecil Township Unified Development Ordinance No. 5-00 as amended.
- 4) Natural Gas Compressor Station construction shall comply with the Pennsylvania Uniform Construction Code 35 P.S. §§7210.101 to 7210.1103, as amended. Included herein is Ordinance No. 5-2004 of the Township, formally adopting the Uniform Construction Code.
- 5) Right of Entry: The Zoning Officer/Code Enforcement Officer or duly authorized Township Official may enter the premises or structure during normal business hours to verify or enforce provisions of this ordinance and the Conditional Use approval. If premises or structure is unmanned, or, if there is reasonable cause to believe a condition exists on the premise which violates the ordinance constituting an unsafe condition, access shall be granted within twenty-four hours of notification to the Operator/Applicant
- 6) Truck traffic accessing the site will be limited to the hours between 7:00 A.M. and 7:00 P.M, including weekends.
- 7) In the event new regulations are implemented by the Township, Pennsylvania Department of Environmental Protection, United States Environmental Protection Agency, or any other administrative body regarding air, water or noise, the Operator/Applicant shall comply with all new provisions. If Operator/Applicant fails to immediately implement new regulations, and in no event more than 12 months after enactment, Operator/Applicant's Conditional Use may be revoked.

- 8) Except in an emergency, no outdoor paging systems, including telephonic ring tones, shall be used on-site as a means of communication on the site.
- 9) Operator/Applicant shall provide training of Cecil Township First Responders and site orientation prior to the issuance of Certificate of Occupancy Temporary or Permanent. Training shall be at the sole cost and expense of the Operator/Applicant.
 - a. In the event an emergency including but not limited to: product loss (liquid, gaseous or solid) regardless of quantity, equipment malfunction, fire, or explosion, incident resulting in injury, fatalities, property damage, or any other significant incident the Operator/Applicant shall immediately notify Washington County 911 Center and copies of reports shall be provided to the Township within forty-eight (48) hours following such incident.
 - b. The Applicant shall provide warning/site identification signs posted at the entrance to the site which shall include the following:
 1. Operator/ Applicant name
 2. Unit or Site name
 3. Township assigned address
 4. Emergency contact phone number
 5. Hazardous materials on site
- 10) Operator/Applicant shall meet with the Township officials by way of an advertised Public Hearing every three (3) years to discuss community impacts, ways in which to further minimize impact, and whether new technology is available, the implementation of which would minimize the site's impact to the surrounding residents or Township as a whole.
- 11) In the event new legislation is enacted at the Federal, State, County or Local level that reduces current levels of protections, the Operator/Applicant shall continue to comply with current applicable regulations and protections that are in place at the time of the approval of the Conditional Use Application.
- 12) Operator/Applicant and/or its contractors shall, as part of the Conditional Use, furnish to the Township a Certificate of Liability Insurance of a Company licensed within the Commonwealth of Pennsylvania naming the Township as an additional insured and showing liability insurance coverage covering commercial, personal injury, and general liability in the amounts not less than five million dollars (\$5,000,000.00) per person, five million dollars (\$5,000,000.00) per occurrence, and five million dollars (\$5,000,000.00) property damage. The Operator/Applicant shall fully defend, protect, indemnify, and hold harmless the Township, its departments, agents, officers, employees, or volunteers from and against such and every claim, related to any and all activities in the Township by applicant or its subsidiaries. Insurance carrier shall name the Township as "Certificate Holder".

SECTION 4. Setbacks:

- 1) The minimum Setback shall be 1,500 ft from adjacent property lines of a protected structure.
- 2) The minimum distance between Natural Gas Compressor Stations shall be set at Two (2) miles.
- 3) No structure, equipment or other appurtenances shall occupy any required setback

SECTION 5. Design Standards:

The Design Standards contained herein are in addition to those outlined in the Township's Unified Development Ordinance No 5-00, as amended.

- 1) Compressors and other power driven equipment shall utilize electric motors rather than internal combustion engines. No electric power shall be generated on the site, excepting portable electric generation equipment which shall be permitted only when equipment is located within a completely enclosed building.
- 2) Compressors shall be limited to Five (5) electric powered compressors, located within a completely enclosed building. One (1) internal combustion engine may be utilized as a back-up, if requested and approved by the Board of Supervisors through the Conditional Use process. During the periods of operations, doors, windows and similar operations shall remain closed to ensure maximum noise suppression.
- 3) The location and design of structures and site improvements shall be integrated with the natural color, form, and texture of the surrounding area. The base of the floor in the structure housing the compressor engines must be of concrete.
- 4) No equipment or surplus materials, including the placement of permanent or moveable storage containers or other portable equipment, shall be stored on the facility. This includes the removal of idle equipment unnecessary for the operation of such facility unless approved by the Board of Supervisors through the Conditional Use process.
- 5) Site access: Beginning with its intersection with a public street, any ingress or egress point for the Development or Facility shall be paved for the first fifty (50) feet and improved with limestone or other material for the next 100 feet in a manner that no water, sediment, or debris will be carried onto any public street, as more specifically prescribed below. If any amount of mud, dirt or other debris is carried on to public or private rights-of-way from the Natural Gas Compressor Station Site, the Operator shall immediately clean the roads and implement a remedial plan as directed by the Township to keep the streets continuously clean. Unless waived by the Board of Supervisors during the Conditional Use Process for good cause shown, the first fifty (50) feet from the existing edge of pavement extending into the site shall consist of the following material:

- Compacted sub grade PENN DOT Class 4 Geotextile Fabric 8" AASHTO #1 Crushed Aggregate Base Course 2" PENNDOT 2A Aggregate 6" Superpave 25 mm Binder Course

Unless waived by the Board of Supervisors during the Conditional Use Process for good cause shown, the remainder of the driveway to the well pad shall be constructed with the following material:

- 8" AASHTO #1 Crushed Aggregate Base Course 2" PENNDOT 2A Aggregate

Ingress and egress points for all public and private driveways or roadways shall be located and improved in order to:

- Meet Pennsylvania Code 67 Chapter 441 "Access to and occupancy of Highways by Driveway and Local Roads," PennDot Design Manual 2.
- Ensure adequate capacity for existing and projected traffic volume.
- Provide efficient movement of traffic, including appropriate turning radii and transition grade.
- Minimize hazards to highway users and adjacent property and human activity.

6) Access or driveway permits to state or township roads:

- a. All applicable permits or approvals must be obtained, including without limitation: Access or driveway permits to state or township roads.

7) Equipment:

- a. Installation of condensate and salt water tanks shall not exceed the height and area limitation of the zoning district, and shall be provided with containment devices as approved by the Township.
- b. Approved shroud shall be installed over the flare at the site.

8) Environmental Performance:

- a. Environmental Performance Standards shall be in accordance with Part 16 of the Unified Development Ordinance No 5-00, as amended.
- b. Section 1602 – Noise is hereby amended to include Noise Limits for Compressor Stations which shall be limited to 50dba at the property line unless required otherwise by the Board of Supervisors as part of the Conditional Use Process.
- c. Prior to Conditional Use approval, a Base Line environmental study shall be conducted by an approved person or firm for Air and Noise for quality and emissions.

- d. Noise monitoring sensors shall be installed periodically at the request of the Board of Supervisors during the Conditional Use Process to measure noise levels and sound levels at a protected structure.
- e. Air monitoring sensors shall be installed at the property lines of a protected structure to evaluate air quality, pollution, and emissions.
- f. Vapor Recovery Units, Vapor Destruction units, or the best technology available must be placed on all condensate tanks at the Compressor Station.
- g. Operator/Applicant shall conduct ambient studies of air, noise, surface water and groundwater in and around the property and submit the same as part of the Conditional Use Application process
- h. Operator/Applicant shall utilize the most current technology available for sound mitigation and vibration at the site.
- i. Operator/Applicant shall conduct an Environmental and Air Dispersion/Modeling Study by an approved person or firm evaluating the cumulative effects and impacts of emissions released into the air from oil, gas, and midstream operations within a two (2) mile radius of the proposed Compressor Station as requested by Township during any and all years of operation, and copies of such report shall be furnished to the Township.

9) Spill Containment:

- Spill contain shall be provided and designed by a Registered Design Professional of the Commonwealth of Pennsylvania.
- Containment shall be provided for indoor facilities.
- Containment shall be provided for all outdoor storage, including stationary vessel to vehicular or portable vessels for transport off site.
- If a spill, fire, or other violation of any Federal, State or Local Law occurs at the drill site or in the Township by Operator or its Subcontractors, Operator shall notify the Township immediately, in all circumstances, no later than 24 hours after the incident occurred or, if the incident is ongoing, no later than 24 hours after it began.

10). Site Safety and Security:

- a. Video surveillance monitoring equipment shall be installed at the site for security purposes
- b. Operator/Applicant shall provide training of Cecil Township First Responders and site orientation prior to the issuance of Certificate of Occupancy, Temporary or

Permanent. Training shall be at the sole cost and expense of the Operator/Applicant.

- c. In the event an emergency including, but not limited to, product loss (liquid, gaseous or solid) regardless of quantity, equipment malfunction, fire, or explosion, incident resulting in injury, fatalities, property damage, or any other significant incident, the Operator/Applicant shall immediately notify Washington County 911 Center, and copies of such incident reports shall be furnished to the Township.
- d. Site lighting shall be turned off at night other than emergency lighting and/or lights which will be activated by motion detectors
- e. If Cecil Township reasonably believes the citizens of Cecil Township would be subjected to harmful byproducts from the proposed Compressor Station which may place residents in immediate danger, the Board of Supervisors reserve the right to immediately request that the Operator/Applicant cease operation until the situation is remedied to Township's satisfaction.

SECTION 6. Application Review and Approval Procedure:

- 10) Application fee in the amount of Two-Thousand Five Hundred Dollars (\$2,500.00) shall be paid by the Operator / Applicant for the purposes of payment for expenses incurred or to be incurred by the Township for administration of the application. Fees may be adjusted by the Township Board of Supervisors from time to time by Resolution. To the extent that the same is not otherwise included or provided, copies of applications for permits from the Commonwealth of Pennsylvania or other Governmental Units related to the proposed Natural Gas Compressor Station shall be submitted to the Township at the time the Application for Conditional Use is submitted to the Township.
- 11) Applications filed for Conditional Use shall be in accordance with Part 4 and Part 5 of the Township's Unified Development Ordinance No 5-00 as amended. The Operator/Applicant of a filed application shall submit a Preparedness, Prevention, and Contingency ("PPC") Plan at time of filing such application
- 12) Operator/ Applicant shall be responsible to pay the Township's reasonable attorney fees and engineering and expert costs borne in connection with the conditional use application and hearing process.

SECTION 7. Violations and Penalties:

Any Operator or person performing work at their direction who violates or permits a violation of this chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township before a Magisterial District Judge, pay a fine of not more than \$1,000.00 per each day the violation exists, plus all court costs, including

reasonable attorney fees incurred by the Township in the enforcement of this chapter. No judgment shall be imposed until the date of the determination of the violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day a violation exists shall constitute a separate offense. Further, the appropriate officers or agents of the Township are hereby authorized to issue a cease and desist notice and/or to seek equitable relief, including injunction, to enforce compliance herewith. No Bond will be required if injunctive relief is sought by the Township. A person who violates this Ordinance shall also be responsible for the Township's attorney fees, engineering fees, expert fees, and court costs associated with enforcement.

SECTION 8. Repealer:

Any ordinance, chapter, section, subsection, paragraph, sentence, or phrase of any ordinance conflicting with the provisions of this ordinance is hereby repealed to the extent of such conflict.

SECTION 9. Severability:

If any section, subsection, sentence, clause or phrase, or portion of this document is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

SECTION 10. Effective Date.

This ordinance shall take effect immediately upon passage.

ORDAINED AND ENACTED by the Supervisors of Cecil Township, Washington County, Pennsylvania the ____ day of _____, 2011.

BOARD OF SUPERVISORS
CECIL TOWNSHIP

Donald A. Gennuso,
Township Manager

By: _____
Michael Debbis
Chairman, Board of Supervisors